 <b>VERMONT</b> DEPARTMENT FOR CHILDREN AND FAMILIES Family Services Policy Manual		123
Chapter:	Planning With Children and Families	
Subject:	Reviewing Case Plan Decisions	Page: 1 of 3
Approved:	Cynthia K. Walcott, Deputy Commissioner	Effective: 7/25/2014
Supersedes:	Family Services Policy 123: Reviewing Case Plan Decisions	Dated: 12/31/2003

## Purpose

To outline how clients and specified other persons affected by case decisions made by division staff may ask for a review of a decision.

## Policy

Circumstances which can be formally reviewed include:


- The living arrangements for a child/youth;
- The plan for family time between a child and family members; and/or
- The long-term goal for a child/youth (e.g., returning home or being adopted).

The following individuals may request a formal review:

- The child/youth, the parents if parental rights are still intact, and the child/youth's legal guardians;
- The child/youth's attorney and Guardian ad Litem; and/or
- The child/youth's foster parents if the child/youth has been living with them for at least the last three months.

The following decisions are subject to formal review after attempts to resolve the disagreement more informally have failed.

Decision	Exceptions
Where a child/youth in custody will live	<ul style="list-style-type: none"> <li>• Placements at Woodside are governed by separate policy.</li> <li>• See <a href="#">Policy 94, Resource Family Care</a> which outlines the process related to moving a child.</li> </ul>
Child/youth's Case Plan Goal	<ul style="list-style-type: none"> <li>• Decisions to pursue termination of parental rights will be reviewed by the court and not by this review process unless there is reason to believe that there will be significant delay before the matter will be heard in court.</li> </ul>
Arrangements for family time and contact with family members	<ul style="list-style-type: none"> <li>• Court-ordered arrangements for family time and contact will be reviewed by the court.</li> </ul>

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Any decision that will be discussed in court within thirty days will not be reviewed.

Decisions to pursue termination of parental rights will be reviewed by the court and not by this review process unless there is reason to believe there will be a significant delay before the matter will be heard in court.

#### **Available Levels of Review**

- Level I – A review by the District Director
- Commissioner's Level – Following a Level I review, the aggrieved party may request a formal review conducted by the commissioner or designee, with the final decision being made by the commissioner.

If a District Director either made the decision that has been requested for a review or was significantly involved in the decision-making process, the Director shall request another Director or Policy and Operations Manager to provide the Level I review.

#### **When and How to File a Request for Review**


At any level, the aggrieved person must file a written request for Director Review [FS-677](#) or Commissioner's Review [FS-676](#) no later than five days from the written or verbal notice of a decision to be reviewed. The written request must outline the specific decision (noted in the above chart) with which he or she disagrees, the desired result, and the efforts made to resolve the situation more informally. This time limit may be waived on the agreement of the parties.

The written request is filed with:

- Level I -- District Director;
- Commissioner's Level -- commissioner's office.

#### **Format of Individual Reviewing Decision**

The individual (herein referred to as reviewer-this could be the district director or someone from the Commissioner's office) who is reviewing the decision may determine the appropriate format for the review. The aggrieved person will be given an opportunity for a face-to-face meeting with the reviewer. The aggrieved person may bring a support person, a representative and/or other persons with information that may assist the individual reviewing the decision in making a determination.

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#### **Criteria for Decisions**

The criteria for the decision to uphold or overturn the prior decision will be the best interests of the individual child/youth based on the facts and other information available.

#### **Informing the Parties of the Outcome**

At each level, the reviewer will inform the aggrieved party by letter of the decision and include information on the procedure to additional levels of review that are available (if any).

#### **Commissioner's Reviews**

Within ten working days of the decision to overturn or uphold a district decision, the reviewer will send a letter to the District Director outlining the rationale for his or her decision.